

REMARKS

Claims 1-16, 18-29, and 32-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,401,591 to Bishay et al. (Bishay) in view of U.S. 6,376,126 to Faust et al. (Faust). Applicants have amended the claims to particularly point out that the present invention is directed to rechargeable battery packs. Support for the amendments can be found in at least paras. [0027] and [0030]. These amendments do not require any further searching and either put the claims in condition to be allowed or to be in better form for appeal. Therefore, Applicants request entry of the amendments.

Bishay teaches away from the presently claimed construction because when the batteries (116) become completely discharged, the housings 108A and 108B forming the battery case 108 could not be separated so that the batteries could be recharged, if, as the Examiner argues one of skill in the art would have bonded the elastic member to the battery pack by adhesive or other bonding method. Because Bishay teaches away from a rechargeable battery back having rechargeable batteries, one of skill in the art would arrive at Applicant's invention.

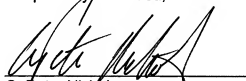
Faust does not cure this deficiency and, in fact, it cannot cure this deficiency since it is imperative to the operation of Bishay that the boot be removable. Accordingly, neither Bishay nor Faust, alone or in combination teach or suggest the presently claimed rechargeable battery pack having rechargeable batteries. The rejection should therefore be withdrawn.

Claims 21, 22, 24, 25, 36, 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay and Faust in view of U.S. 5,553,675 to Pitzen et al. (Pitzen). Applicants cannot agree. As pointed out above, Bishay teaches away from the present rechargeable battery pack and neither Faust nor Pitzen cure deficiencies of Bishay.

Thus, this rejection should be withdrawn for the same reasons discussed above with respect to the combination of Bishay and Faust.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Peter Nichols", is written over a horizontal line.

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